THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No. 23066 of 2005

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Dated:26.10.2005

Between:

Navuluri Narasimha Rao, S/o. Laxmi Kanthaiah,
R/o. K. Bitragunta, Village, Jarugumalli Mandal,

Prakasam Dist.

..... PETITIONER

AND

The Revenue Divisional Officer, Kandukur,

Prakasam District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 23066 of 2005

ORDER:

The petitioner filed an application before the Mandal Revenue Officer, Singarayakonda, Prakasam District, to initiate action and conduct enquiry under Section 3(1) of the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956 (for short 'the Act'). Pending such application, when the respondents sought to construct a compound wall around the Police Station in the land in Survey No.605/A1 of Somarajupalli Village, Singarayakonda Mandal, Prakasam District, the petitioner filed W.P.No.21338 of 2002 seeking a declaration that the action of the Police in constructing the compound wall in the land of the petitioner is illegal and arbitrary. By an order dated 29.07.2005, this Court disposed of the Writ Petition directing the Mandal Revenue Officer to complete the enquiry under the Act and pass appropriate orders. Pending such action, the Station House Officer, Singarayakonda Police Station, was directed not to take up any construction work in the land in Survey No.605/A1. In the meanwhile, the Mandal Revenue Officer issued proceedings on 03.02.2004 after verifying the Inam record available,

and noticed that the land in Survey No.605/A1 was transferred as poramboke land, which was allotted to the Police Department by the then Tahsildar, Kandukur. Accordingly, the petition filed by the petitioner was dismissed. The petitioner thereafter filed an appeal before the first respondent on 04.03.2004, which is still pending. It is now alleged that at the behest of respondent Nos.1 to 3, the fourth respondent is raising a transmission tower, in which event, the petitioner's rights would be jeopardized. Therefore, he filed the instant writ petition seeking a declaration that the inaction on the part of the first respondent in disposing of the petitioner's appeal is arbitrary and illegal, and also a declaration that the action of the fourth respondent in making construction in the said land is illegal and arbitrary.

Heard the learned Counsel for the petitioner, the learned Assistant Government Pleader for Revenue (General) and the learned Standing Counsel for the Bharat Sanchar Nigam Limited. A perusal of the order passed by the Mandal Revenue Officer, annexed to the writ petition, would show that the land in Survey No.605/A1 was subdivided and was transferred as poramboke land, which was allotted to the Police Department. The Mandal Revenue Officer also recorded that no claim was received till 2002. Be that as it is, the petitioner now alleges that the fourth respondent is now raising the transmission tower, whereas in the earlier writ petition he alleges that the land was allotted to the Police to construct a compound wall around the Police Station. When the appeal is pending before the Revenue Divisional Officer, every time on the grievance of the petitioner, this Court cannot pass interim orders in favour of the petitioner. It would be in the interests of justice to direct the Revenue Divisional Officer, Kandukuru, to dispose of the appeal filed by the petitioner against the orders of the Mandal Revenue Officer, dated 03.02.2004, within a period of two weeks from the date of receipt of a copy of this order. Pending such appeal, if any construction is made, the same shall be subject to further orders that may be passed by the Revenue Divisional Officer.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

26.10.2005

Note: Issue C.C by 28.10.2005.

B/o.

vs